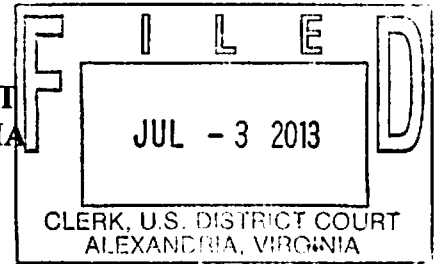


**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**



DYNEX/RIVETT, INC.,

Plaintiff,

V.

HAMPIDJAN USA, INC., and
HAMPIDJAN Hf,

Defendants.

Case No. 1:12-cv-00707-GBL-TCB

JURY TRIAL DEMANDED

CONSENT ORDER TO MODIFY SCHEDULING ORDER

The parties hereby stipulate, agree and consent, subject to the Court's approval, to a partial modification to the March 20, 2013 Scheduling Order and the related April 9, 2013 Scheduling Order by setting back certain of the remaining scheduled dates by approximately sixty-five (65) days, as detailed in the chart below. As grounds for this modification, the parties state as follows:

- The Court's Scheduling Orders set, *inter alia*, discovery-related deadlines, the next of which is the July 9, 2013 deadline for serving the last allowed additional written discovery.
- In further response to Plaintiff's March 27, 2013 Document Requests, which requested, *inter alia*, communications from at least the year 2000 to June 29, 2012, defendants have collected and are now in the process of reviewing approximately 70 gigabytes of e-mails with attachments from Iceland in order to exclude any privileged documents and determine what documents will be produced to plaintiff's counsel. Defendants have agreed to produce the documents by July 8, 2013, the time it will

take their outside vendor to electronically analyze the documents and to produce the documents to plaintiff. It is believed that the document production will be in excess of 30,000 documents.

- The parties recognize that, due to the rapidly approaching discovery deadlines, plaintiff's counsel will need time beyond the discovery deadlines in the present Scheduling Order in order to (1) review the approximately 30,000 plus documents after July 8, 2013; (2) to thereafter utilize the new information in connection with plaintiff's final written discovery requests to defendants, which under the present Scheduling Order are required to be submitted by no later than July 9, 2013; (3) to identify additional persons to be deposed by plaintiff based on such additional documents; (4) to use such additional documents in depositions with witnesses already identified by plaintiff for deposition; (5) depending on the documents, to identify any appropriate third-party discovery; and (6) depending on the documents, to use the documents in any expert discovery.

Accordingly, additional time is necessary for the completion of various aspects of plaintiff's remaining discovery. The time requested is approximately the number of days since the original May 2, 2013 document production.

Furthermore, the parties wish to call to the Court's attention that counsel for plaintiff has experienced the disadvantage of the extended hospitalization and now continuing out-of-office recovery (due to complications of pregnancy) of Molly McKinley, the attorney who had taken lead role in this litigation. Her extended absence still continues and was not anticipated. While plaintiff's counsel has other counsel working on the case, plaintiff's counsel are from a small firm


which has made the extended absence of a key attorney particularly problematic.

In view of all of the above circumstances, the parties jointly request that the remaining scheduling in this case be modified as follows:

Description	Current Deadline	Requested Deadline
Defendants' expert disclosures	Friday, July 12, 2013	no change
Last day to serve discovery	Tuesday, July 9, 2013	Thursday, September 12, 2013
Plaintiff's expert rebuttal	Friday, July 19, 2013	no change
Defendants' expert rebuttal	Friday, July 26, 2013	no change
Discovery to be completed	Friday, August 9, 2013	Monday, October 14, 2013
Exchange of trial exhibits	Wednesday, August 14, 2013	Friday, October 18, 2013
Final pretrial conference	Thursday, August 15, 2013	Monday, October 21, 2013
Pretrial disclosures pursuant to Fed.R.Civ.P. 26(a)(3) and 26(a)(5), and including lists of exhibits and witnesses and stipulation of uncontested facts	Thursday, August 15, 2013	Monday, October 21, 2013
Dispositive motions deadline	Thursday, August 22, 2013	Monday, October 28, 2013
Objections to exhibits	Monday, August 26, 2013	Thursday, October 31, 2013
Proposed jury instruction and voir dire questions		TBD
Submission of original exhibits to the clerk		TBD
Trial		TBD

The parties respectfully submit that good cause has been shown for the requested modification of the Scheduling Order and request entry of this order.

Dated: July 3, 2013.

/s/
Theresa Carroll Buchanan
United States Magistrate Judge

~~Gerald Bruce Lee~~ *Theresa Buchanan*
United States District Court Judge
Magistrate Judge

Respectfully submitted,

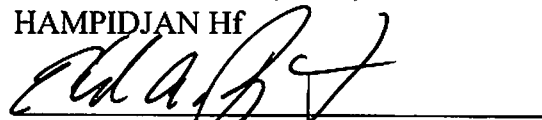
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